

REPORT TO FORMARTINE AREA COMMITTEE – 27 JUNE 2023

ASSET TRANSFER OF THE FORMER DEPOT BUILDING AND YARD AT STATION ROAD, TURRIFF

1 Executive Summary/Recommendations

1.1 An Asset Transfer Request (ATR) has been received in respect of a lease over the above property (identified on plan at Appendix 2). The Formartine Asset Transfer Group has considered the ATR and is of the view that the ATR should be allowed to proceed.

1.2 The Committee is recommended to:

1.2.1 Consider and agree the Asset Transfer Request from Turriff Town Pride/Turriff in Bloom Group for a lease of the former depot building and yard at Station Road in Turriff on the terms set out at 3.4 below to provide a storage facility for the group's equipment and civic pride activities,

1.3 Note that there have been no public representations made in respect of this Asset Transfer Request, and

1.3.1 Instruct the Area Manager to issue a positive Decision Notice and to instruct Legal and People to conclude the transfer.

2 Decision Making Route

2.1 Requests for Asset Transfers from community bodies are governed by the provisions of the Community Empowerment (Scotland) Act 2015 (the Act). Community bodies can request ownership, lease, or other rights, as they wish. The Act requires local authorities to assess requests transparently against a specified list of criteria and to agree to the request unless there are reasonable grounds for refusal.

2.2 As required by Section B.9.2.6 of the List of Committee Powers in the Scheme of Governance, the Area Committee is required to determine the granting of the transfer of an asset to a community group and the terms and conditions of that transfer. This report seeks the approval of the Formartine Area Committee to transfer, by way of lease, the former depot building and yard at Station Road in Turriff to Turriff Town Pride/Turriff in Bloom Group for use as a storage facility for equipment used to maintain the town's floral displays.

2.3 The determination of an Asset Transfer Request is a quasi-judicial matter. Therefore, Members must have regard to the provisions of Section 7 of the Councillors' Code of Conduct, in particular the duty to ensure a proper and fair hearing of the application.

2.4 The Committee must determine the application presented based on the statutory criteria as set out below and in line with Aberdeenshire Council's Community Asset Transfer Policy as follows: -

- a. the reasons for the request,
- b. any other information provided in support of the request (whether such other information is contained in the request or otherwise provided),
- c. whether agreeing to the request would be likely to promote or improve –
 - (i) economic development.
 - (ii) regeneration.
 - (iii) public health.
 - (iv) social wellbeing.
 - (v) environmental wellbeing.
- d. whether agreeing to the request would be likely to reduce inequalities of outcome which result from socio-economic disadvantage.
- e. any other benefits that might arise if the request were agreed to.
- f. any benefits that might arise if the authority were to agree to or otherwise adopt an alternative proposal in respect of the land to which the request relates.
- g. how such benefits would compare to any benefits such as are mentioned in paragraphs (c) and (e).
- h. how any benefits such as are mentioned in paragraph (f) relate to other matters the authority considers relevant (including the functions and purposes of the authority).
- i. any obligations imposed on the authority, by or under any enactment or otherwise, that may prevent, restrict, or otherwise affect its ability to agree to the request.
- j. such other matters (whether included in or arising out of the request) as the authority considers relevant.

2.5 The Committee should agree to the request unless there are reasonable grounds for refusing it.

Reasonable grounds for refusal may include: -

- where the benefits of the asset transfer request are judged to be less than the benefits of an alternative proposal;
- where agreeing to the request would restrict the relevant authority's ability to carry out its functions; or
- where another obligation on the relevant authority prevents or restricts its ability to agree to the request.

These grounds are not exhaustive and will be dependent on the circumstances of the application. The Committee must therefore determine the application before it in accordance with the statutory criteria as set out above and in a manner which encourages equal opportunities.

3 Discussion

The Asset: Former Depot and Yard at Station Road, Turriff

- 3.1 The depot building and yard at Station Road in Turriff was formerly used by the Council's Landscape Services as a small storage depot with welfare facilities for staff. The subject of the Asset Transfer Request is shown in **Appendix 2**.
- 3.2 The former depot building extends to 99.3sq.m. (1,069sq.ft.) or thereby, and the site area 2,240 sq m (0.55 acres) or thereby. The market rental value of the asset is £3,750 per annum.
- 3.3 Title search investigations have concluded that the asset is in the ownership of Aberdeenshire Council. Officers are satisfied that the Council owns the building and site to be transferred and there are servitude rights of access in favour of the Council.

Asset Transfer Request

- 3.4 On 15 March 2023, a valid Asset Transfer Request (ATR) received from Turriff Town Pride/Turriff in Bloom Group, seeking a 15-year lease of the former depot building and yard site at Station Road in Turriff for £1 per annum (less than market value), was considered by the Formartine Asset Transfer Group, which is a multi-disciplinary group of council officers chaired by the Area Manager. Turriff Town Pride/Turriff in Bloom Group's ambition is to use the asset as a storage facility for their equipment and activities. During the Asset Transfer Group's formal assessment of the ATR in April 2023 it was agreed that the Business Plan and related documents were a sound basis for the management of the asset and agreed to recommend approval of the ATR.
- 3.5 A copy of the ATR, including Business Plan, 3-year cashflow projections, and constitution are appended to this report (at **Appendices 3, 4, 5a** and **5b**).
- 3.6 Turriff Town Pride/Turriff in Bloom Group is an eligible Community Transfer Body as per the requirements of the 2015 Act. The group was constituted in 2002 as a voluntary community body and is made up of local volunteers who have an interest in the town's civic pride related activities. Any lease would be to Turriff Town Pride/Turriff in Bloom Group as a voluntary community group.
- 3.7 It is a requirement within the Act for the Council to publish a Notice of the Asset Transfer Request to promote the details of the request and to invite representations. The Notice was promoted widely by the Area Office Team in the following ways: -
 - published on the Council's website.
 - published on the Area Office's social media page.
 - circulated by email to community groups and organisations.
 - erected on noticeboards in shops, community halls and facilities throughout the town; and
 - erected in and around the former Station Road depot including pedestrian access points at the nearby Haughs in Turriff.

- 3.8 No representations were submitted during the period in which public representations could be made as part of this ATR process.
- 3.9 Turriff Town Pride/Turriff in Bloom Group's proposal to use the former depot building as a storage facility for the equipment they use to undertake civic pride activities in Turriff aims to: -
- provide continuity with the management and maintenance of the floral displays within the town;
 - continue with civic pride activities that enhance the appearance of the town;
 - support the opportunity for community capacity building;
 - attract footfall to the town including shops, cafes, events, and other amenities;
 - improve the health and wellbeing of people who participate in civic pride volunteering activities;
 - expand their activities to include green growing; and
 - manage the asset responsibly being mindful of neighbouring amenities and properties.

Officers have recognised these as community benefits and taken them into consideration whilst undertaking the financial assessment for the request.

- 3.10 The market rental value of the site has been assessed as £3,750 per annum. Following analysis of the proposed community benefit and based on all information provided by Turriff Town Pride/Turriff in Bloom Group, including a Business Plan, as appended, Officers are satisfied that the value of the Community Benefit that is likely to be generated as a result of completing the ATR is considerably in excess of the rental value of the property. Therefore, a positive recommendation can be made whereby the site can be leased to Turriff Town Pride/Turriff in Bloom Group for £1 per annum, as requested by the Group. A summary of this financial assessment has been attached at **Appendix 6** of this report.
- 3.11 It should be noted that a marketing exercise for the sale of the site was commenced on 9 March generating significant commercial interest. That part of the Act and relevant Guidance which relates to the validation date of an application is capable of interpretation but the considered legal advice is that, given the Council was effectively in receipt of all the relevant documentation required to accompany an ATR in advance of commencement of that marketing exercise, the ATR process must be followed, and the application dealt with as appropriate.

4 Council Priorities, Implications and Risk

- 4.1 This request may help to deliver: -

Pillar	Priority
Our People	Health & Wellbeing
Our Environment	Resilient Communities
Our Economy	Infrastructure and public assets

Further information can be found here:

[Aberdeenshire Council Plan 2022 – 2027 - Aberdeenshire Council](#)

- 4.2 The table below shows whether risks and implications apply if the recommendations are agreed.

Subject	Yes	No	N/A
Financial	X		
Staffing		X	
Equalities and Fairer Duty Scotland	IIA attached as Appendix 1		
Children and Young People's Rights and Wellbeing			X
Climate Change and Sustainability	IIA attached as Appendix 1		
Health and Wellbeing	IIA attached as Appendix 1		
Town Centre First	IIA attached as Appendix 1		

- 4.3 There are no staffing implications arising from this report.
- 4.4 If agree, the premises will be transferred to Turriff Town Pride/Turriff in Bloom Group under a 15-year lease at £1 per annum in which event the Council will forego any potential capital receipt which would be generated by an open market sale.
- 4.5 An Integrated Impact Assessment has been carried out as part of the development of the proposals set out above. It is included as **Appendix 1** and there are positive impacts as follows: -

Positive Impacts: -

Equalities and Fairer Scotland Duty Impact Assessment

Age (Older) – The group has intimated that there will be opportunities for older people to be involved in their activities e.g., green growing, civic pride enhancements etc.

Age (Younger) – The group has intimated that there will be opportunities for young people to be involved in activities e.g., green growing, civic pride enhancements etc.

Town Centre's First Impact Assessment

Social and cultural aspects – There will possibly be more opportunity for people to volunteer with the group's activities, along with opportunities to reduce social isolation for people who may become engaged with the group's activities in time.

Town centre business – Turriff town centre will continue to be cared for, and to help to promote an enhanced image of town centre.

- 4.6 The following Risks have been identified as relevant to this matter on a Corporate Level:

ACORP001 Budget Pressures – there are ongoing maintenance costs associated with this site.

ACORP005 Working with other organisations – the community group may not deliver on their proposal.

[Corporate Risk Register](#)

No risks have been identified as relevant to this matter on a Strategic Level:

[Directorate Strategic Risk Registers](#)

5 Scheme of Governance

- 5.1 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and their comments are incorporated within the report and are satisfied that the report complies with the Scheme of Governance and relevant legislation.
- 5.2 The Committee can consider and take a decision on this item in terms of Section B.9.2.6 of the List of Committee Powers in Part 2A of the Scheme of Governance as it relates to the determination of the granting of a transfer of an asset to a community or voluntary group and the terms and conditions of that transfer.
- 5.3 Where the Committee does not agree with the Officer's recommendations or existing Council policy, the Scheme of Governance provides that the decision must be referred to the appropriate Policy Committee for determination.

Rob Simpson
Interim Director of Business Services

Report prepared by Elaine Brown, Formartine Area Manager
Date 22 May 2023

List of Appendices –

- Appendix 1 Integrated Impact Assessment
- Appendix 2 Site Plan
- Appendix 3 ATR Application from Turriff Town Pride / Turriff in Bloom Group
- Appendix 4 Turriff Town Pride / Turriff in Bloom Group Constitution
- Appendix 5a Business Plan including 3-year cashflow projections
- Appendix 5b Updated financial information including 3-year cashflow projections
- Appendix 6 Summary of the Financial Assessment